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LinkedIn Corporation

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12
13 SAN FRANCISCO DIVISION

14 3taps, Inc.,
15
16 Plaintiff,
17
18 vs.
19 LinkedIn Corporation,
20 Defendant.

Case No. 18-cv-00855-EMC

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING
MODIFICATION OF BRIEFING
SCHEDULE**

Judge: Hon. Edward M. Chen
Trial Date: None Set
Action Filed: February 8, 2018

1 WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed a Complaint in the above-captioned action
2 against Defendant LinkedIn Corporation (“LinkedIn”) on February 08, 2018 (ECF No. 1);

3 WHEREAS on February 23, 2018, the Court ordered this action related to *hiQ Labs,*
4 *Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”);

5 WHEREAS, on August 13, 2021, after the expiration of a stay pending appeal in the
6 hiQ Action, LinkedIn filed a Motion to Dismiss 3taps’ Complaint (ECF No. 51);

7 WHEREAS, on August 26, 2021, 3taps filed an Opposition to LinkedIn’s Motion to
8 Dismiss (ECF No. 53);

9 WHEREAS, on September 2, 2021, the Court ordered, per the parties’ joint stipulation on
10 September 1, 2021 (ECF No. 54), that LinkedIn withdraw its Motion to Dismiss without
11 prejudice and that 3taps would file an amended complaint by October 8, 2021 (ECF No. 55);

12 WHEREAS, 3taps filed an Amended Complaint against LinkedIn on October 5, 2021
13 (ECF No. 59);

14 WHEREAS, on December 7, 2021, LinkedIn filed a Motion to Dismiss 3taps’
15 Amended Complaint (ECF No. 61);

16 WHEREAS, on February 3, 2022, 3taps filed an Opposition to LinkedIn’s Motion to
17 Dismiss 3tap’s Amended Complaint (ECF No. 63);

18 WHEREAS, on April 14, 2022, after hearing argument on April 7, 2022 (ECF No. 65.01),
19 the Court granted LinkedIn’s motion to dismiss with leave to amend for 3taps to provide
20 nonconclusory allegations as to how it has engaged in meaningful preparation to conduct data
21 scraping activity (ECF No. 67);

22 WHEREAS, 3taps filed a Second Amended Complaint under seal on May 12, 2022 (ECF
23 No. 68.01) and served an unredacted copy to LinkedIn on May 13, 2022;

24 WHEREAS, on May 25, 2022, the Court ordered, per the parties’ joint stipulation on the
25 same day (ECF No. 70), that LinkedIn file its motion to dismiss 3taps’ Second Amended
26 Complaint by August 1, 2022 and notice the hearing on the motion for November 3, 2022 (ECF
27 No. 71).

28 WHEREAS, the parties have met and conferred and agreed, due to a scheduling conflict,

1 to modify the stipulated briefing and hearing schedule;

2 NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED
3 AND AGREED:

4 1. LinkedIn shall file its motion to dismiss the Second Amended Complaint
5 by August 1, 2022.

6 2. 3taps shall file its opposition thereto by September 30, 2022.

7 3. LinkedIn shall file its reply by October 14, 2022.

8 4. LinkedIn shall notice the hearing on the motion for October 27, 2022.

9 5. The deadlines in this order supersede the deadlines set in the parties' prior
10 stipulation (ECF No. 71).

11 6. Nothing in this order precludes either party from applying to the Court for
12 relief from any deadline set forth in this stipulation and proposed order.

13
14 Dated: July 19, 2022

Orrick, Herrington & Sutcliffe LLP

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16 By: /s/ Annette L. Hurst
17 ANNETTE L. HURST
18 Attorneys for Defendant
19 LinkedIn Corporation

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21 Dated: July 19, 2022

The Law Offices of Thomas V. Christopher

22
23 By: /s/ Thomas V. Christopher
24 THOMAS V. CHRISTOPHER
25 Attorneys for Plaintiff
26 3taps, Inc.

1 **Filer's Attestation:** I, Annette L. Hurst, am the ECF User whose User ID and password
2 are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that
3 I have obtained concurrence in the filing of this document from the above-listed signatories.
4

5
6 By: /s/ Annette L. Hurst
 ANNETTE L. HURST
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9
10 ~~PROPOSED~~ ORDER

11 Pursuant to Stipulation, it is SO ORDERED.
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13 Dated: July 22 , 2022
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THE HONORABLE EDWARD M. CHEN
United States District Judge